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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2012-75

12 **PRISCILLA TAN LEDESMA**

725 9th St.

13 Hermosa Beach, CA 90254

A C C U S A T I O N

14 Registered Nurse License No. 704160

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about June 1, 2007, the Board of Registered Nursing issued Registered Nurse
23 License Number 704160 to Priscilla Tan Ledesma (Respondent). The Registered Nurse License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 May 31, 2013, unless renewed.

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1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
3 administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her
10 ability to conduct with safety to the public the practice authorized by his or her license.

11 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
13 or the possession of, or falsification of a record pertaining to, the substances described in
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
15 thereof..."

16 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
17 revoke a license on the ground that the licensee has been convicted of a crime substantially
18 related to the qualifications, functions, or duties of the business or profession for which the
19 license was issued.

20 REGULATORY PROVISIONS

21 9. California Code of Regulations, title 16, section 1444, states:

22 "A conviction or act shall be considered to be substantially related to the qualifications,
23 functions or duties of a registered nurse if to a substantial degree it evidences the present or
24 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
25 safety, or welfare..."

26 10. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
27 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
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1 disciplinary action during the period within which the license may be renewed, restored, reissued
2 or reinstated.

3 **COST RECOVERY**

4 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

9 12. Cocaine, and any cocaine base, is a narcotic drug according to Health and Safety
10 Code section 11019(e). It is a Schedule I controlled substance, as designated in Health and Safety
11 Code section 11054(f)(1), and a Schedule II controlled substance, as designated in Health and
12 Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Business and
13 Professions Code section 4022.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Conviction of Substantially Related Crime)**

16 13. Respondent is subject to disciplinary action under sections 490 and 2761, in
17 conjunction with California Code of Regulations, title 16, section 1444, in that on or about
18 November 30, 2010, Respondent was convicted of a crime substantially related to the functions or
19 duties of a registered nurse which to a substantial degree evidence her present or potential
20 unfitness as a registered nurse to practice in a manner consistent with the public health, safety or
21 welfare. The circumstances are as follows:

22 **USE OF CONTROLLED SUBSTANCE (COCAINE) – 2010**

23 a. On or about November 30, 2010, after pleading nolo contendere, Respondent was
24 convicted of one misdemeanor count of violating Health and Safety Code section 11550(a) [use
25 of a controlled substance, to wit, cocaine] in the criminal proceeding entitled *People of the State*
26 *of California v. Priscilla Tan Ledesma* (Super. Ct. Los Angeles County, 2010, No. A152165431).
27 The court ordered Respondent to participate in a Proposition 36 drug treatment program.
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b. The circumstances underlying the conviction are that on or about May 16, 2010, at approximately 0248 (2 a.m.), Officers from the Redondo Beach Police Department responded to a complaint from JEG that Respondent, a visitor at his residence, was using cocaine. Officers located Respondent standing outside the residence, and observed objective signs of drug use, including rapid breathing, sweating and dilated pupils. Respondent admitted that she had snorted cocaine and that she "snorts lines of cocaine every weekend to party." Respondent also admitted that she had used a baggie of cocaine, a mirror with cocaine residue and other paraphernalia recovered from JEG's residence at that time.

SECOND CAUSE FOR DISCIPLINE

(Drug Related Conviction)

14. Respondent is subject to disciplinary action under section 2761, subdivision (a), and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about November 30, 2010, Respondent was convicted of criminal offenses involving cocaine, a controlled substance. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 13, subparagraphs (a) and (b), inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Illegally Obtain/Possess Controlled Substances)

15. Respondent is subject to disciplinary action under section 2761, subdivision (a), and 2762, subdivision (a), in that on or about May 16, 2010, by her own admission, Respondent illegally obtained and /or possessed cocaine, a controlled substance. Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 13, subparagraphs (a) and (b) inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Dangerous Use of Controlled Substance)

16. Respondent is subject to disciplinary action under section 2761, subdivision (a), and 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about May 16, 2010, Respondent used cocaine, a controlled substance, to an extent or in a manner dangerous or

1 injurious to herself and others and/or to the extent that such use impaired her ability to conduct
2 with safety to the public practice authorized by her license. Complainant refers to and by this
3 reference incorporates the allegations set forth above in paragraphs 13, subparagraphs (a) and (b)
4 inclusive, as though set forth fully.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 704160, issued to
9 Priscilla Tan Ledesma;

10 2. Ordering Priscilla Tan Ledesma to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: August 2, 2011

15 Louise R. Bailey
16 LOUISE R. BAILEY, M.ED., RN
17 Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant

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